

Article - Courts and Judicial Proceedings

3-815.

(a) Only the court or an intake officer may authorize detention or shelter care for a child who may be in need of supervision or delinquent. The local department, pursuant to regulations promulgated by the Department of Human Resources, may authorize shelter care for a child who may be in need of assistance.

~~(b) If a child is taken into custody, he may be placed in detention or shelter care prior to a hearing if:~~

- ~~(1) Such action is required to protect the child or person and property of others;~~
- ~~(2) The child is likely to leave the jurisdiction of the court; or~~
- ~~(3) There are no parents, guardian, or custodian or other person able to provide supervision and care for the child and return him to the court when required.~~

~~(C) IF A CHILD IS TAKEN INTO CUSTODY, THE CHILD MAY BE PLACED IN SHELTER CARE PRIOR TO A HEARING IF IN ADDITION TO THE EXISTENCE OF ONE OR MORE OF THE CIRCUMSTANCES STATED IN SUBSECTION (B) OF THIS SECTION:~~

~~(1) CONTINUATION OF THE CHILD IN THE HOME IS CONTRARY TO THE WELFARE OF THE CHILD; AND~~

~~(2) (I) 1. REASONABLE EFFORTS HAVE BEEN MADE TO PREVENT OR ELIMINATE THE NEED FOR REMOVAL OF THE CHILD FROM THE CHILD'S HOME; AND~~

~~2. AS APPROPRIATE, REASONABLE EFFORTS HAVE BEEN MADE TO PROVIDE FOR THE RETURN OF THE CHILD TO THE CHILD'S HOME; OR~~

~~(II) 1. REMOVAL OF THE CHILD FROM THE CHILD'S HOME IS REASONABLE UNDER THE CIRCUMSTANCES DUE TO AN ALLEGED EMERGENCY AND FOR THE PURPOSE OF PROVIDING FOR THE SAFETY OF THE CHILD; AND~~

~~2. AS APPROPRIATE, REASONABLE EFFORTS HAVE BEEN MADE TO PROVIDE FOR THE RETURN OF THE CHILD TO THE HOME.~~

~~[(c)] (D) (1) If the child is not released, the intake officer or the official who authorized detention or shelter care shall immediately file a petition to authorize continued detention or shelter care.~~

~~(2) A hearing on the petition shall be held not later than the next court day, unless extended by the court upon good cause shown.~~